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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,171	06/04/2007	Stefan Geoffrey Butlin	051034	1927
23596 7590 08/22/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER TILLERY, RASHAWN N				
ART UNIT 2174		PAPER NUMBER		
NOTIFICATION DATE 08/22/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/598,171

Applicant(s)

BUTLIN ET AL.

Examiner

RASHAWN TILLERY

Art Unit

2174

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 12-14 and 23 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8-11 and 15-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 5, 6, 8-11 and 15-22 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 12-14 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Son et al ("Son" US 2002/0041292).

Regarding claim 1, Son discloses, figures 4a-c, a method of displaying a subset of a plurality of user interface elements in a user interface, the method comprising the steps of:

(i) determining the size of the subset of plurality of UI elements that can be displayed within the user interface (examiner notes that the size of the "Message menu" shown in figure 4a is directly proportionate to the size of the display screen);

(ii) determining a plurality of UI elements that may be selected for display within the user interface (see figs 4a-c where the “message menu” and “call option menu” are shown; either may be selected);

(iii) selecting the subset of UI elements from the plurality of UI elements determined in step (ii) (see paragraphs [0024]-[0025] and [0031]; examiner notes that user may scroll through the menu elements to select a desired menu); and

(iv) displaying the subset of UI elements selected in step (iii) within the user interface (see fig 4b where portions of the “message menu” and “call option menu” are shown).

Regarding claim 2, Son discloses step (iii) is repeated to select a further subset of UI elements in response to a user input and step (iv) is then repeated to display the further subset of UI elements within the user interface (see fig 4b where portions of the “message menu” and “call option menu” are shown).

Regarding claim 3, Son discloses the user input comprises activating a user input means and the selection and display of a further subset of UI elements causes a list or menu to be scrolled (see paragraphs [0024]-[0025] and [0031]; examiner notes that user may scroll through the menu elements to select a desired menu).

Claims 12-14 are similar in scope to claims 1-3 respectively, and are therefore rejected under similar rationale.

Regarding claim 23, Son discloses, in figure 1, a device comprising processing means (10), storage means (50), a display (40), user input means (60), wireless

communication means (20) and a user interface (30), wherein the device is configured to perform the method of any of claims 1 to 10.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Kennedy et al ("Kennedy" EP 1193590).

Regarding claim 4, Son discloses the plurality of UI elements are stored at a single location (see fig 1, #50). Son does not explicitly reveal that a mark-up language component is provided that defines the location of the plurality of UI elements. However, such a feature is well known in the art. For instance, Kennedy teaches the use of a markup language for customizing the display of a mobile device (see paragraphs [0029]-[0033]). It would have been obvious to an artisan at the time of the invention to modify Son's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Regarding claim 7, Son discloses the plurality of UI elements are stored in a single file (see fig 1, #50). Son does not explicitly reveal that a mark-up language component is provided that defines the location of the file and the file comprises one or more data resources for display in the user interface. For instance, Kennedy teaches

the use of a markup language for customizing the display of a mobile device (see paragraphs [0029]-[0033]). It would have been obvious to an artisan at the time of the invention to modify Son's user interface by including Kennedy's teachings in an effort to provide a mobile computing device in a manner that conserves power resources.

Inquiries

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHAWN TILLERY whose telephone number is 571-272-6480. The examiner can normally be reached on M-F 8 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SY D. LUU/

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Primary Examiner, Art Unit 2174

RNT